



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appeal No.

In re the Application of: **Naoki Morita, et al.**

Group Art Unit: **2125**

Serial No.: **10/049,629**

Examiner: **Elliot L. Frank**

Filed: **February 22, 2002**

Confirmation No.: **7771**

For: **NC MACHINING ASSISTING SYSTEM**

Attorney Docket No.: **020028**

Customer Number: **38834**

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer mailed on October 6, 2004, the following is the Appellants' Reply Brief.

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APPELLANTS' ARGUMENT

I. First, in response to the Appellants' arguments that Salvo fails to disclose that *the central manager generates a database on the basis of the collected actual machining performance information and stores the database therein*, as called for in each of independent claims 1 and 2, since there is simply no support in Salvo that the control unit 40 or any other control unit generates a database on the basis of the collected machine process variables received from the machine process 10, the Examiner fails to provide any meaningful rebuttal in the section **(11) Response to Argument of the Examiner's Answer.**

Instead, the Examiner merely asserts that:

As pointed out in the rejection, the combination of Salvo et al. and Poth makes obvious the system of claim 1 in view of the explicit teachings in both references, particularly since the Salvo et al. system discloses both singular and multiple machine systems.¹

However, with respect to these features of the claimed invention, the Examiner does assert in the section **(10) Grounds of Rejection** of the Examiner's Answer that Salvo teaches that, “[t]he central manager generates a database on the basis of the collected actual machining performance information and stores the database therein (column 15, lines 36-56).”²

However, according to col. 15, lines 36-37 of Salvo, “[t]he process variable information can also be stored by the process management system 1 for archival reasons.”

¹ Please see, lines 9 – 12, page 7 of the Examiner's Answer.

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It is respectfully submitted that while Salvo may disclose storing the process variable information, there is absolutely no disclosure regarding Salvo generating a database on the basis of the collected machine process variable information from the process machine 10. Moreover, it is submitted that simply storing process variable information clearly fails to constitute generating a database on the basis of the collected machine process variable information from the process machine 10.

Further, the secondary reference of Poth also fails to teach these drawbacks and deficiencies of the primary reference of Salvo with regard to the features of independent claims 1 and 2 concerning *the central manager generates a database on the basis of the collected actual machining performance information and stores the database therein.*

Second, in response to the Appellants' arguments that Salvo fails to disclose the claimed features of claim 1 concerning *NC machine tools are each permitted to retrieve information necessary for machining from the database*, the examiner disagrees and takes the following position:

The examiner maintains that the functionality of the "machine operator control unit", wherein it includes software for data acquisition and data mining and data analysis, discloses features of claim 1. Column 13, lines 19-31 of Salvo et al additionally recites further support for this contention: "The transfer function enables individual features, such as, but not limited to, machines, of the process management system to evaluate and analyze process variables so as to enhance process variables during the operation of the process

2 Please see, lines 1-3, page 4 of the Examiner's Answer.

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machine.”³

However, it is respectfully submitted that the Examiner has argued extensively in the bridging paragraph between pages 5 and 6 of the Examiner’s Answer to establish that the process machine 10 of Salvo constitutes the claimed NC machine tools, whereas on page 7 of the Examiner’s Answer the Examiner is relying on the machine operator control unit 15, and not the process machine 10, to teach the feature of claimed 1 concerning *NC machine tools are each permitted to retrieve information necessary for machining from the database.*

However, clearly the Examiner has failed to establish from the prosecution record that the machine operator control unit 15 of Salvo constitute NC machine tools which are each permitted to retrieve information necessary for machining from the database generated by the central manager, as called for in the present claimed invention.

As such, it is respectfully submitted that Salvo and Poth, singly or in combination, fail to disclose or fairly suggest the features of the present claimed invention concerning *an NC machining assisting system comprising: a plurality of NC machine tools each including NC program generating means and NC program improving and updating means that are connected to a central manager via a network; actual machining performance information is supplied to the central manager from the respective NC machine tools; the central manager generates a database*

³ Please see, lines 15-22, page 7 of the Examiner’s Answer.

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on the basis of the collected actual machining performance information and stores the database therein; and the NC machine tools are each permitted to retrieve information necessary for machining from the database.

II. CONCLUSION

For the foregoing reasons, the Honorable Board of Patent Appeals and Interferences is respectfully requested to reverse the 35 USC §103(a) rejection of claims 1-3 on appeal.

In the event this paper is not timely filed, Appellants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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